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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth; Confirmation No. 8230  
Keith A. Miesel  
Serial No.: 10/825,955  
Filed: April 15, 2004 Customer No.: 28863  
Examiner: Unknown  
Group Art Unit: 3736 Docket No.: 1023-362US01  
Title: COLLECTING ACTIVITY AND SLEEP QUALITY INFORMATION VIA  
A MEDICAL DEVICE

CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being deposited with the United States Post Service, as First Class Mail, in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on September 21, 2005.

By: Shirley A. Betlach  
Name: Shirley A. Betlach

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendments  
Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits the references listed on the attached form PTO-1449. This statement is being filed, to the best of Applicant's knowledge, before the receipt of a first Office Action on the merits.

Applicant has enclosed a copy of each foreign document cited. Copies of the U.S. patents are not enclosed as this requirement has been waived by the U.S. Patent Office.

Respectfully submitted,

Date: 21 SEPTEMBER 2005

Shumaker & Sieffert, P.A.  
8425 Seasons Parkway, Suite 105  
St. Paul, Minnesota 55125  
Phone: (651) 735-1100  
Fax: (651) 735-1102

Daniel J. Hanson  
By: Daniel J. Hanson  
Reg. No. 46,757

